

## TITLE 16. DEPARTMENT OF CONSUMER AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Consumer Affairs (hereinafter "department") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at **1625 N. Market Blvd., Trinity Room, Suite S 307, Sacramento, California 95834, at 9:00 a.m., on November 16, 2010**. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the department at its office not later than 5:00 p.m. on **November 15, 2010** or must be received by the department at the hearing. The department, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 87306 of the Government Code, and to implement, interpret or make specific Sections 87300-87302 and 87306 of said Code, the department is considering changes to Chapter 2 of Division 38 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend section 3830.

Section 87300 of the Government Code is part of Proposition 9, The Political Reform Act of 1974. That section requires each state agency to adopt a Conflict of Interest Code which must contain, among other things, the following:

(a) Specific enumeration of the positions within the agency which involve making or participation in the making of decisions which may foreseeably have a material effect on any financial interest. Persons holding those positions are called "designated employees."

(b) Requirements that each designated employee file annual statements disclosing reportable investments, interests in real property and income. The Conflict of Interest Code must specify the investments, interests and income which are reportable for each designated position.

The Department of Consumer Affairs adopted a Conflict of Interest Code containing the above-noted provisions in 1977, which was last amended in 2009.

These proposed changes would update the existing Conflict of Interest Code

primarily by modifying the list of designated employees. A number of employees who were not previously required to file annual financial disclosure statements would now be required to file them. A small number of currently designated positions would be deleted. The proposed changes would also incorporate the changes made by the following recently enacted legislation:

ABX4 20 (Strickland, Chapter 18, Statutes of 2009) made the following changes:

1. Abolished the Bureau of Naturopathic Medicine and created a Naturopathic Medicine Committee within the Osteopathic Medical Board of California to administer the Naturopathic Doctors Act.
2. Abolished the Board for Geologists and Geophysicists and transferred the licensing and regulation of geologists and geophysicists to the Board for Professional Engineers and Land Surveyors.
3. Transferred the Structural Pest Control Board from the jurisdiction of the Department of Consumer Affairs to the jurisdiction of the Department of Pesticide Regulation.
4. Consolidated the Bureau of Electronic and Appliance Repair and the Bureau of Home Furnishings and Thermal Insulation into a single bureau named the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation.

AB 1535 (Jones, Chapter 309, Statutes of 2009) abolished the Hearing Aid Dispensers Bureau, and transferred the licensing and regulation of hearing aid dispensers to the Speech-Language Pathology and Audiology Board, and changed the name to the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.

SB 853 (Perata, Chapter 31, Statutes of 2008), abolished the Committee on Dental Auxiliaries and created the Dental Hygiene Committee.

## FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 – 17630 Require Reimbursement: None

Business Impact:

The department has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly

affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The department has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The department has determined that the proposed regulations would not affect small businesses because the regulations pertain to designated employees who make or participate in the making of a governmental decision. These designated employees will be required to submit annual financial disclosure statements.

CONSIDERATION OF ALTERNATIVES

The department must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The department has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may

be obtained at the hearing or prior to the hearing upon request from the Division of Legal Affairs, Department of Consumer Affairs, 1625 N. Market Blvd., Suite S 309, Sacramento, California 95834.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

#### CONTACT PERSON

Any inquiries or comments concerning the proposed administrative action may be addressed to:

Name:	Michael Santiago
Address:	1625 N. Market Blvd., Suite S 309 Sacramento, California 95834
Telephone No.:	(916) 574-8220
Fax No.:	(916) 574-8623
E-Mail Address:	Michael.Santiago@dca.ca.gov

The backup contact person is:

Name:	Imelda Galang
Address:	1625 N. Market Blvd., Suite S 309 Sacramento, California 95834
Telephone No.:	(916) 574-8220
Fax No.:	(916) 574-8623
E-Mail Address:	Imelda.Galang@dca.ca.gov

Website Access: Materials regarding this proposal can be found at [www.dca.ca.gov](http://www.dca.ca.gov).